

---

---

# HOUSE BILL No. 1073

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-15-2.

**Synopsis:** Juvenile law commission. Provides that the minimum waiting period before a divorce becomes final is 120 days if there is a child of the marriage who is less than 17 years of age and neither party alleges that the other party has committed domestic violence. Establishes the commission on juvenile law to recommend changes in juvenile law by January 1, 2003, and appropriates \$18,000 to fund the commission.

**Effective:** Upon passage; July 1, 2002.

---

---

### Avery

---

---

January 8, 2002, read first time and referred to Committee on Judiciary.

---

---

C  
o  
p  
y



Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1073

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 31-15-2-9.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2002]: **Sec. 9.5. (a) Except as provided in subsection (b), the**  
4 **waiting period referred to in section 10, 12, or 13 of this chapter is**  
5 **at least sixty (60) days after the filing of a petition for dissolution**  
6 **of marriage under section 4 of this chapter.**

7       **(b) The waiting period referred to in section 10, 12, or 13 of this**  
8 **chapter is at least one hundred twenty (120) days after the filing of**  
9 **a petition for dissolution of marriage under section 4 of this**  
10 **chapter if:**

11       **(1) there is a child of the marriage who is less than seventeen**  
12 **(17) years of age; and**

13       **(2) neither party has asserted in the petition for dissolution of**  
14 **marriage or a document filed in response to the petition for**  
15 **dissolution of marriage that the other party has engaged in an**  
16 **act of domestic violence against:**

17       **(A) the asserting party; or**



C  
o  
p  
y

**(B) the asserting party's child.**

SECTION 2. IC 31-15-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. Except as provided in sections 13 and 14 of this chapter, in an action for a dissolution of marriage under section 2 of this chapter, a final hearing shall be conducted not earlier than ~~sixty (60) days after the filing of the petition:~~ **the expiration of the applicable waiting period described in section 9.5 of this chapter.**

SECTION 3. IC 31-15-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) This section applies if a party who filed an action for dissolution of marriage under section 2 of this chapter (or IC 31-1-11.5-3(a) before its repeal) files a motion to dismiss the action.

(b) A party that files an action shall serve each other party to the action with a copy of the motion.

(c) A party to the action may file a counter petition under section 2 of this chapter not later than five (5) days after the filing of the motion to dismiss. If a party files a counter petition under this subsection, the court shall set the petition and counter petition for final hearing not earlier than ~~sixty (60) days after the initial petition was filed:~~ **the expiration of the applicable waiting period described in section 9.5 of this chapter.**

SECTION 4. IC 31-15-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. ~~At least sixty (60) days after a petition is filed in an action for dissolution of marriage under section 2 of this chapter,~~ **Following the expiration of the applicable waiting period described in section 9.5 of this chapter,** the court may enter a summary dissolution decree without holding a final hearing under this chapter if there have been filed with the court verified pleadings, signed by both parties, containing:

(1) a written waiver of final hearing; and

(2) either:

(A) a statement that there are no contested issues in the action; or

(B) a written agreement made in accordance with section 17 of this chapter that settles any contested issues between the parties.

SECTION 5. [EFFECTIVE JULY 1, 2002] (a) **As used in this section, "commission" refers to the commission on juvenile law established by this SECTION.**

(b) **The commission consists of the following members:**

(1) **Two (2) members of the house of representatives, to be**



1 appointed by the speaker of the house of representatives.

2 (2) Two (2) members of the senate, to be appointed by the  
3 president pro tempore of the senate.

4 (3) One (1) prosecuting attorney, to be appointed by the  
5 speaker of the house of representatives.

6 (4) One (1) juvenile public defender, to be appointed by the  
7 president pro tempore of the senate.

8 (5) Three (3) judges or magistrates having responsibility for  
9 juvenile law. The chief justice shall recommend three (3)  
10 judges or magistrates having responsibility for juvenile law  
11 for appointment to the commission. The chief justice's  
12 recommendation is nonbinding. Two (2) judges or magistrates  
13 shall be appointed by the speaker of the house of  
14 representatives. One (1) judge or magistrate shall be  
15 appointed by the president pro tempore of the senate.

16 (6) One (1) court appointed special advocate (CASA) or  
17 guardian ad litem, to be appointed by the president pro  
18 tempore of the senate.

19 (7) The secretary of the family and social services agency  
20 (FSSA), or the secretary's designee.

21 (8) One (1) representative of a probation department, to be  
22 appointed by the president pro tempore of the senate.

23 (9) One (1) representative of a law enforcement agency, to be  
24 appointed by the president pro tempore of the senate.

25 (10) One (1) attorney licensed to practice law in Indiana who  
26 is a member of the Indiana state bar association's committee  
27 on civil rights for children, to be appointed by the speaker of  
28 the house of representatives.

29 (11) One (1) county commissioner, to be appointed by the  
30 speaker of the house of representatives.

31 (12) One (1) county council member, to be appointed by the  
32 president pro tempore of the senate.

33 (13) The commissioner of the department of correction, or the  
34 commissioner's designee.

35 (14) One (1) representative of the Indiana judicial center, to  
36 be appointed by the chief justice.

37 (15) One (1) educator, to be appointed by the president pro  
38 tempore of the senate.

39 (16) One (1) mental health practitioner who primarily focuses  
40 on the mental health of children, to be appointed by the  
41 president pro tempore of the senate.

42 (17) Two (2) persons employed by two (2) different nonprofit

C  
o  
p  
y



1 organizations that address delinquency and juvenile justice  
 2 issues, to be appointed by the speaker of the house of  
 3 representatives.

4 (18) The director of the Indiana criminal justice institute, or  
 5 the director's designee.

6 (c) The governor shall appoint one (1) of the commission  
 7 members to serve as chairperson.

8 (d) There is established the commission on juvenile law. The  
 9 commission shall recommend changes in juvenile law by January  
 10 1, 2003.

11 (e) The Indiana criminal justice institute shall staff the  
 12 commission and provide administrative support. In addition, the  
 13 legislative services agency shall provide support for bill drafting  
 14 and fiscal analysis upon request of a legislative member of the  
 15 commission.

16 (f) Except as provided in subsection (i), the expenses of the  
 17 commission shall be paid by the Indiana criminal justice institute  
 18 from the commission on juvenile law fund.

19 (g) Each member of the commission who is not a state employee  
 20 is entitled to the minimum salary per diem provided by  
 21 IC 4-10-11-2.1(b). The member is also entitled to reimbursement  
 22 for traveling expenses as provided under IC 4-13-1-4 and other  
 23 expenses actually incurred in connection with the member's duties  
 24 as provided in the state policies and procedures established by the  
 25 Indiana department of administration and approved by the budget  
 26 agency.

27 (h) Each member of the commission who is a state employee but  
 28 who is not a member of the general assembly is entitled to  
 29 reimbursement for traveling expenses as provided under  
 30 IC 4-13-1-4 and other expenses actually incurred in connection  
 31 with the member's duties as provided in the state policies and  
 32 procedures established by the Indiana department of  
 33 administration and approved by the budget agency.

34 (i) Each member of the commission who is a member of the  
 35 general assembly is entitled to receive the same per diem, mileage,  
 36 and travel allowances paid to legislative members of interim study  
 37 committees established by the legislative council. Per diem,  
 38 mileage, and travel allowances paid under this subsection shall be  
 39 paid from appropriations made to the legislative council or the  
 40 legislative services agency.

41 (j) The affirmative votes of a majority of the members  
 42 appointed to the commission are required for the commission to

C  
O  
P  
Y



1 take action on any measure, including final reports.

2 (k) This SECTION expires January 1, 2003.

3 SECTION 6. [EFFECTIVE UPON PASSAGE] (a) There is created  
4 the commission on juvenile law account within the state general  
5 fund. The commission on juvenile law account consists of  
6 appropriations made by the general assembly and donations.

7 (b) There is appropriated to the commission on juvenile law  
8 account eighteen thousand dollars (\$18,000) from the state general  
9 fund to fund the commission on juvenile law beginning on the  
10 effective date of this act, and ending December 31, 2002. The  
11 money appropriated by this SECTION does not revert to the state  
12 general fund at the close of any fiscal year but remains available to  
13 the Indiana criminal justice institute until the purpose for which it  
14 was appropriated is fulfilled.

15 (c) This SECTION expires January 1, 2003.

16 SECTION 7. An emergency is declared for this act.

C  
o  
p  
y

